

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 24, 2002**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B149604 People v. Anaya  
B151422 People v. Villalobos  
B152607 People v. Scott  
B152736 People v. King  
B153092 People v. Quiroga  
B153313 People v. Jackson  
B153585 People v. Waites  
B153745 People v. Burns  
B154450 People v. James H.  
B154755 People v. Jones  
B155014 McDowell v. State Personnel Board et al.  
B155032 DCFS v. Guadalupe C.  
B155190 People v. Maldonado  
B155836 People v. Burger(s)  
B155943 People v. Brown  
B156046 People v. Pimentel & Godoy  
B156352 DCFS v. Sharon S.  
B156469 People v. Espana  
B156828 People v. James P.  
B157083 People v. Carl D.  
B157091 People v. Rogelio G.  
B157288 Adoption of Allicia C.  
B157278 People v. Manuel  
B157352 People v. Reed  
B159802 In re Brown on Habeas Corpus  
B159932 Susana C. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (Continued)

Justice Mallano leaves the bench.

B151310     Haggerty  
B151431     v.  
              Perkins

Merits:

Argued by Jaquelynn Pope for respondent Perkins and no appearance for appellant. Cause submitted.

B146609     Lewis  
              v.  
              Professional Audio Concepts, Inc., etc.

Merits:

Argued by John P. Moffit for appellant Professional Audio and by Ave Buchwald for appellant Lewis. Cause submitted.

B156286     Los Angeles County, D.C.S.  
              v.  
              Vincent S.  
              In re Megan P., a minor.

Merits:

Argued by Tyna Thall Orren for appellant and by Arezoo Pichvai, Deputy County Counsel, for respondent. Attorney Orren submits current CSW report to panel. Cause submitted.

Mallano, J. returns to the bench.

B150558     People  
              v.  
              Escobedo

Merits:

Argued by Thomas T. Ono for appellant and by Myung Park, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B156019     People  
              v.  
              Rolon

Merits:  
Argued by Susan Keiser for appellant and by Michael C. Keller, Deputy Attorney General, for respondent. Cause submitted.

B152117     Shapell Industries, Inc.  
              v.  
              Associated International Insurance

Merits:  
Argued by Peter Abrahams for appellant and by Craig S. Meredith for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:30 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

B152960     Dadon  
              v.  
              Torabi, et al.

Merits:  
Argued by Daniel Krishel for appellant and no appearance for respondent. Cause submitted.

Court adjourned.

B156352     Los Angeles County, D.C.S.                    (Not for Publication)  
              v.  
              Sharon S.  
              Steve S.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
              Mallano, J.

September 24, 2002 (Continued)

DIVISION TWO

B157250      People      (Not for Publication)

V.  
Hollis

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B154436 Los Angeles County, D.C.S. (Not for Publication)

v.  
Amy M.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

B153024 Village Trailer Park, Inc.  
v.  
Santa Monica Rent Control Board  
Vernon Van Wie, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B149848 Stevens (Not for Publication)

v.  
Guaranty National Insurance Company of California

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

September 24, 2002 (Continued)

### DIVISION THREE (Continued)

B154092      Lujan      (Not for Publication)  
v.  
Powerine Oil Company

The judgment is reversed and the matter remanded to the trial court with directions to reinstate the first cause of action of the second amended complaint and to grant the Commissioner's request for leave to file an amended pleading, and for further proceedings consistent with this opinion. The Commissioner shall recover costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B152455      Kuk Bo Construction Group      (Not for Publication)  
v.  
Crown Tear Off & Disposal Inc.

The order dismissing Kuk Bo's complaint and the order directing Wolf to pay \$1,500 in monetary sanctions are affirmed. Kuk Bo shall bear costs on appeal.

Klein, P.J.

I concur:       Croskey, J.  
I dissent:       Aldrich, J. (Opinion)

DIVISION FOUR

B151740      Petrovsky      (Not for Publication)  
v.  
Department of Consumer Affairs, et al.

The judgment is affirmed. The request for sanctions is denied.  
Respondent(s) to recover costs.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

September 24, 2002 (Continued)

## DIVISION FOUR (Continued)

[illegible]

The judgment is modified to provide that the 16-month sentence imposed on the conviction for false imprisonment (count VIII) is stayed pending completion of the sentence on the other six convictions; the stay to become permanent thereafter. In all other respects, the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment reflecting this one change.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B152237      Toumajian                      (Not for Publication)  
v.  
Frailey, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B155176      Megadyne Information Systems      (Not for Publication)  
v.  
Rosner, Owens & Nunziato, et al.

The judgment is reversed. Each party to bear their own costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

DIVISION FOUR (Continued)

B156560      Old Republic Insurance Company      (Not for Publication)  
                 v.  
                 FSR Brokerage, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Curry, J.

We concur: Epstein, Acting P.J.  
                 Hastings, J.

B155445      People      (Not for Publication)  
                 v.  
                 Newman

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
                 Hastings, J.

B154153      People      (Not for Publication)  
                 v.  
                 Willis

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
                 Epstein, J.

## DIVISION FOUR (Continued)

B151167 People (Certified for Partial Publication)  
v.  
Bowden, et al.

As to appellant Bowden, the judgment is modified to provide total credit of 204 days for time served, consisting of 178 days actual time and 26 days of conduct credit. As so modified, the judgment is affirmed. As to appellant Webster, the judgment is modified to provide total credit of 204 days for time served, consisting of 178 days actual time and 26 days of conduct credit. As so modified, the judgment is affirmed. As to appellant Tennant, the judgment is affirmed, except as to sentence as to which it is reversed, and the cause remanded with direction to either impose the enhancement under section 667.5, subdivision (b) or to strike it in compliance with section 1385, and to correct the award of conduct credit consistent with the views in this opinion.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B149093 Whiteside  
v.  
Tenet Healthcare Corp., et al.

Filed order denying petition for rehearing.

B151141 Janousek  
v.  
Gutierrez

Filed order denying petition for rehearing.



DIVISION FIVE

B151196     Arthur S. Lujan                     (Not for Publication)  
               v.  
               Universal City Studios, Inc.

The judgment is affirmed. The parties are to bear their own costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                   Armstrong, J.

B155857     People                                     (Not for Publication)  
               v.  
               Robert Adkins

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                   Armstrong, J.

B150017     Jerold Daniel Friedman                     (Certified for Partial Publication)  
               v.  
               Southern California Permanente Medical Group et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B155060     Lange                                     (Certified for Publication)  
               v.  
               Lange

The order is affirmed. Costs to respondent.

Gilbert, P.J.

We concur:   Coffee, J.  
                   Perren, J.

September 24, 2002 (Continued)

## DIVISION SIX (Continued)

B152855 People (Not for Publication)  
v.  
Falcon

The judgment is reversed as to counts 4,5 and 7. The judgment is modified to impose a 10-year enhancement term pursuant to section 12022.53, subdivision (b) consecutive to the indeterminate life term on count 2. The trial court is directed to prepare and transmit to the Department of Corrections an amended abstract of judgment reflecting one 10-year enhancement term pursuant to section 12022.53, subdivision (b) consecutive to the indeterminate life term on count 1, a second such enhancement term imposed consecutive to the indeterminate life term on count 2, and no enhancement imposed on count 8. The judgment as to counts 1, 2, and 8 as so modified, is affirmed. (section 1260.)

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B159487      Fleishman      (Certified for Publication)  
v.  
San Luis Obispo County Superior Court  
Salisbury (Real Party in Interest)

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying petitioner's motion for judgment on the pleadings and to enter a new and different order granting the motion. Costs in this proceeding are awarded to petitioner.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B154117 People (Not for Publication)  
v.  
Bovarie

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

September 24, 2002 (Continued)

## DIVISION SIX (Continued)

B153316 People  
v.  
Williams

Filed order denying petition for rehearing.

## DIVISION SEVEN

B152676      Sosa      (Not for Publication)  
v.  
Los Angeles Federal Coin, Inc., et al.

The order is affirmed.

Perluss, J.

We concur: Lillie, P.J.  
Johnson, J.

B153721      Jeannette Shapiro      (Not for Publication)  
v.  
Thrifty Payless Inc.

Judgment reversed and remanded to the trial court for proceedings consistent with this opinion. Appellant is entitled to costs incurred in connection with the appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Perluss, J.

B152025 People (Not for Publication)  
v.  
Robert P. Gomez

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                              Johnson, J.

September 24, 2002 (Continued)

## DIVISION SEVEN (Continued)

B148810      People                                  (Not for Publication)  
v.  
Philippe Cortez Kelly

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Perluss, J.

B154000      People                                  (Not for Publication)  
v.  
Travone A. Roberson

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Perluss, J.

B150778      People      (Certified for Partial Publication)  
v.  
Anthony M. Davis

The conviction for violating Penal Code section 290, subdivision (f)(a), count four, is reversed and the trial court is ordered to dismiss that count. The judgment is modified to reflect defendant is to receive total presentence credits of 404 days. In all other respects the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Perluss, J.

B149459 People  
v.  
Trotter

Filed order modifying opinion. (No change in the judgment)

September 24, 2002 (Continued)

DIVISION SEVEN (Continued)

B145079     Attia

v.

GTE California

Filed order denying petition for rehearing.